

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 6, 2003. At the time of the Office Action, Claims 1-44 were pending in this patent application. The Examiner rejects Claims 1-44. Claims 1, 13, 21, 26, and 38 have been amended to make stylistic changes and to more clearly claim what the inventor believes to be the invention. Applicants do not admit that these amendments were made as a result of any cited art. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejection

The Examiner rejects Claims 1-13 and 19-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,167,383, issued to Henson ("Henson") in view of U.S. Patent No. 6,324,522, issued to Peterson et al. ("Peterson") and Official Notice. Applicants respectfully request consideration of this rejection of Claims 1-13 and 19-24 for the following reasons.

First, Applicants note that the Examiner has not addressed Applicants' argument submitted in the Office Action mailed on October 2, 2002, which stated that it would not be obvious to one of ordinary skill in the art at the time of invention to combine the online order system of *Henson* with the inventory management system of *Peterson*. Applicants reiterate the standard for combining references under 35 U.S.C. § 103. Although the Examiner speculates that "it would have been obvious" to make the proposed combination to "provide a means for a manufacturer to track component availability based on the items being ordered online, and thus increase customer satisfaction by accurately indicating item availability and delivery time," Applicants submit that the modification of *Henson* to include the features of *Peterson* would impermissibly change the principle of operation disclosed in *Henson*. *Henson* provides for the sale of not yet manufactured computers. Conversely, a customer using the system of *Peterson* is limited to ordering items from a vendor's existing inventory. Therefore, *Henson* and *Peterson* use different methods for different purposes. For at least these reasons, it would not have been obvious to one of ordinary skill in the art at the time of invention, to combine the online order system of *Henson* with the inventory management system of *Peterson*.

Second, to defeat a patent under 35 U.S.C. § 103, the prior art references "must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure." *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); MPEP § 706.02(j). Assuming only for purposes of argument that the references may be combined, the *Henson-Peterson* combination does not disclose, either expressly or inherently, each and every element of the claims.

Regarding Applicants' independent Claim 1, Applicants respectfully submit that *Henson* does not disclose, teach, or suggest "entering the custom order and order data configuration into an order bank to be scheduled," as recited in Claim 1. In his rejection of the claims, the Examiner states that *Henson* discloses creating "a custom order for a computer system, which is routed to an order processor via the web server." (Office Action, page 3). The Examiner does not specify, however, where in *Henson* these features are disclosed. After a review of *Henson*, Applicants are unable to locate the "order processor" described by the Examiner. Rather, *Henson* merely discloses an online store including "a configurator, a cart, a checkout, and a database . . . enabl[ing] the custom configuration of a computer system." (Abstract). The conclusion of the process disclosed in *Henson* is the linking the customer to a static thank you page 16 upon checkout. (Column 5, lines 23-27). Thus, *Henson* is limited to a method for configuring a custom computer by a customer and does not include a method for processing the order after submission. *Peterson* does not cure this deficiency. Because *Peterson* merely discloses an inventory management system from which a user may select products (Column 9, lines 32-34), *Peterson* also does not disclose, teach, or suggest "entering the custom order and order data configuration into an order bank to be scheduled for manufacturing," as recited in Claim 1. For at least this reason, Applicants submit that the proposed combination fails to disclose each element of Claim 1.

Additionally, neither *Henson* nor *Peterson* discloses, teaches, or suggests "wherein the custom order is cancellable until the custom order is scheduled for manufacturing," as recited in Claim 1. As discussed above, *Henson* merely discloses a method for configuring a computer by a customer. *Henson* does not disclose the processing of the order after submission. *Peterson* also does not disclose, teach, or suggest the above-recited features and operation. To the contrary, *Peterson* teaches away from this limitation. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention . . . *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983); MPEP § 2414.02. For example, *Peterson* discloses that while

creating a requisition form, "a user scrolls (if necessary) through the displayed list until the user finds the item that the user wishes to buy. Once the user has located the item, the user clicks on the 'Choose This Item' button to select the item." (Column 32, lines 51-54). Although the user can cancel the requisition, "the user can only cancel a requisition that the user is creating. In other words, the user can not cancel a requisition that has already been submitted while in the requisition entry application." (Column 34, lines 22-26). In teaching that the requisition cannot be cancelled after it has been submitted, *Peterson* actually teaches away from the features recited in Applicants' Claim 1. For at least these reasons, neither *Henson* nor *Peterson* can be said to disclose, teach, or suggest "wherein the custom order is cancellable until the custom order is scheduled for manufacturing," as recited in Applicants' Claim 1. These features are completely absent from *Henson* and *Peterson*.

For similar reasons, the *Henson-Peterson* combination does not disclose, teach, or suggest "an order bank operable to store the online order and schedule a product having the product configuration specified in the online order for manufacturing, wherein the custom order is cancellable until the custom order is scheduled for manufacturing," as recited in Applicants' Claim 21. As described above, *Henson* is limited to nothing more than a method for configuring a custom computer by a customer, which does not include the processing of the order after submission. Further, in teaching that the requisition cannot be cancelled after it has been submitted, *Peterson* actually teaches away from the features recited in Applicants' Claim 21. Again, the recited features are completely absent from *Henson* and *Peterson*.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1 and 21.

Claims 2-13, 19-20, and 22-24 depend from independent claims shown above to be allowable, and recite further limitations that distinguish the art. For example, Claim 2 further recites "routing the custom order message to a workflow manager." Similarly, Claim 22 recites "a workflow manager operable to receive the online order from the web server, store order data associated with the online order in a buyer database, and route the online order to the order processor." In the Office Action, the Examiner acknowledged that "*Henson* does not explicitly disclose routing a message to a workflow manager." (Office Action, page 4). In rejecting the claims, however, the Examiner has taken official notice of workflow software. Applicants respectfully traverse the rejection of the claims on this basis. To the extent that the Examiner maintains this rejection based on "Official Notice," "well-known

art," common knowledge, or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference in support of this position or provide an affidavit in accordance with MPEP § 2144.03 and 37 C.F.R. § 1.107. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 2-13, 19-20, and 22-24.

The Examiner rejects Claims 13-18 under 35 U.S.C. § 103(a) as being unpatentable over *Henson* in view of *Peterson* and in further view of U.S. Patent No 5,231,267, issued to Matoba et al. ("Matoba"). Applicants respectfully request reconsideration of this rejection of Claims 13-18.

First, Applicants have shown above that the *Henson-Peterson* combination does not recite each and every claim limitation of Claim 1, from which Claims 13-18 depend. Thus, Claims 13-18 are allowable for at least this reason.

Second, Applicants note that the Examiner has not addressed Applicants' argument submitted in the Office Action mailed on October 2, 2002, which stated that in rejecting Claims 13-18 the Examiner has performed what amounts to a "keyword rejection." Applicants traverse the Examiner's rejection at least because it appears that the Examiner simply performed a keyword search to locate the word "lead" in the text of *Matoba* and then uses this word to reject those portions of Claims 13-18 that happen to also include the word "lead." Significantly, however, the keywords are often taken out of context and do not teach, suggest, or disclose the claimed aspects of the present invention

"Lead" as disclosed in *Matoba* refers to "lead time," i.e., "the number of days estimated as demanded for completion of a product to be manufactured." (Background) Specifically, *Matoba* discloses a system "capable of automatically determining a lead time in consideration of product specifications, appointed date of delivery and production process states and capable of creating a production schedule on a basis of the lead time in an automated manner." (Column 1, line 64 through Column 2, line 3). An examination of the teachings of *Matoba* confirms that *Matoba* cannot be said to disclose, teach, or suggest "a lead request message incorporating lead data and product configuration data submitted by the user, the lead data identifying the online user as a potential customer," as recited by Applicants' amended Claim 13. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 13-18.

The Examiner rejects Claims 25-44 under 35 U.S.C. § 103(a) as being unpatentable over *Henson* in view of *Peterson* and *Matoba*, and further in view of U.S. Patent No. 6,041,310, issued to Green et al. ("Green"). Applicants respectfully request reconsideration of this rejection of Claims 25-44.

Regarding Independent Claim 26, Applicants respectfully traverse the Examiner's position. Claim 26 recites, in part, "receiving a custom order message . . . submitted by an online user . . . entering the custom order and its associated data into an order bank to schedule the specified vehicle for manufacturing, wherein the custom order is cancellable until the specified vehicle is scheduled for manufacturing . . . generating an order confirmation message and sending the order confirmation message to the user." Nowhere does the *Henson-Peterson-Matoba-Green* combination disclose, teach, or suggest these aspects of the claimed invention.

For reasons similar to those above with regard to Claim 1, the system of *Henson* does not disclose the features and operation recited in Applicants' Claim 26. To the contrary, *Henson* merely discloses a method for configuring a custom computer by a customer, which does not include the processing of the order after submission. Thus, the recited features are completely absent from the online store disclosed in *Henson*. In teaching that the requisition cannot be cancelled after it has been submitted, *Peterson* actually teaches away from the features recited in Applicants' Claim 26. Because this deficiency is not cured by either *Matoba* or *Green*, the combination of references cannot be said to disclose, teach, or suggest "wherein the custom order is cancellable until the specified vehicle is scheduled for manufacturing," as recited in Applicants' Claim 26.

For at least these reasons, and for those stated above with respect to Claim 1, Applicants respectfully request reconsideration and allowance of Claim 26. Claim 25 depends from Claim 21 shown above to be allowable. Claims 27-44 depend from Claim 26 shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 25-44.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir A. Bhavsar, Attorney for Applicants, at the Examiner's convenience at (214) 953-6581.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Marked-up Version of the Claims

1. **(Amended)** An online method of ordering and purchasing customized products, comprising:

receiving a custom order message incorporating order data and product configuration data submitted by an online user;

storing the order data and product configuration into a buyer database;

entering the custom order and order data and product configuration into an order bank to be scheduled for manufacturing, wherein the custom order is cancellable until the custom order is scheduled for manufacturing;

generating an order confirmation message and sending the order confirmation message to the user.

2. The method, as set forth in claim 1, further comprising:

receiving input entered on a web page by the user to submit a custom order, including product configuration data;

generating the custom order message incorporating the product configuration data and sending the custom order message to a web server; and

routing the custom order message to a workflow manager.

3. The method, as set forth in claim 2, further comprising:

sending the custom order data to a dealer selected by the user; and

routing the custom order message to a B2B server, which sends it to an order processor.

4. The method, as set forth in claim 1, further comprising generating a unique order number for the custom order.

5. The method, as set forth in claim 1, further comprising:

receiving customer data related to the user from the user; and

storing the customer data in a common membership database.

6. The method, as set forth in claim 1, further comprising:
receiving online payment data from the user for the custom order;
processing the online payment data of the product; and
confirming the online payment processing completion.

7. The method, as set forth in claim 1, further comprising:
displaying a list of product substantially matching product configuration data entered
by the online user;
receiving a user-tagging of a particular product from the list and a tag order message
incorporating tag order data and product configuration data submitted by the user;
storing the tag order data and product configuration into a buyer database;
modifying inventory data in an inventory database associated with the tagged product
to indicate unavailability; and
generating a tag order confirmation message and sending the tag order confirmation
message to the user.

8. The method, as set forth in claim 7, further comprising:
receiving input entered on a web page by the user to submit a tag order, including
product configuration data;
generating the tag order message incorporating the product configuration data and
sending the tag order message to a web server; and
routing the tag order message to a workflow manager.

9. The method, as set forth in claim 8, further comprising:
sending the tag order data to a dealer selected by the user; and
routing the tag order message to a B2B server, which sends it to an order processor.

10. The method, as set forth in claim 7, further comprising generating a unique
order number for the tag order.

11. The method, as set forth in claim 7, further comprising:
receiving customer data related to the user from the user; and
storing the customer data in a common membership database.

12. The method, as set forth in claim 7, further comprising:
receiving online payment data from the user;
processing the online payment data of the product; and
confirming the online payment processing completion.

13. **(Amended)** The method, as set forth in claim 1, further comprising:
receiving a lead request message incorporating lead data and product configuration
data submitted by the user, the lead data identifying the online user as a potential
customer;
storing the lead data and product configuration into a buyer database;
generating a lead confirmation message and sending the lead confirmation message to
the user.

14. The method, as set forth in claim 13, further comprising:
receiving input entered on a web page by the user to submit a lead request, including
product configuration data;
generating the lead request message incorporating the product configuration data and
sending the lead request message to a web server; and
routing the lead request message to a workflow manager.

15. The method, as set forth in claim 14, further comprising:
sending the lead request data to a dealer selected by the user; and
requesting lead status updates from the dealer.

16. The method, as set forth in claim 15, further comprising:
receiving a lead status update from the dealer; and
storing the lead status update in a buyer database.

17. The method, as set forth in claim 13, further comprising generating a unique lead number for the lead request.

18. The method, as set forth in claim 13, further comprising:
receiving customer data related to the user from the user; and
storing the customer data in a common membership database.

19. The method, as set forth in claim 1, further comprising:
receiving a cancel custom order request from the user;
deleting a custom order associated with the cancel customer order request from an order bank; and
updating a buyer database to reflect the updated status of the user.

20. The method, as set forth in claim 1, further comprising:
receiving a cancel tag order request from the user;
modifying data associated with the cancelled tag order in an order bank;
modifying data of a product associated with the canceled tag order in an enterprise product availability database; and
updating a buyer database to reflect the updated status of the user.

21. (Amended) An online custom product ordering and purchasing system, comprising:

an online user interface operable to provide product configuration and to receive an online order for a product having a specific product configuration;

a web server operable to receive the online order from the online user interface;

an order processor operable to:

receive the online order from the web server and process the order; and

generate an order confirmation message and send the order confirmation message to a user; and

an order bank operable to [receive] store the online order and schedule a product having the product configuration specified in the online order for manufacturing, wherein the custom order is cancellable until the custom order is scheduled for manufacturing.

22. The system, as set forth in claim 21, further comprising a workflow manager operable to receive the online order from the web server, store order data associated with the online order in a buyer database, and route the online order to the order processor.

23. The system, as set forth in claim 21, further comprising a common membership database operable to store customer data associated with the online user.

24. The system, as set forth in claim 21, further comprising an order number generator operable to generate a unique order number for each order.

25. The system, as set forth in claim 21, wherein the online order is for customer ordering a vehicle, the specific product configuration comprises make, model, year, color, engine data, and transmission data of the vehicle.

26. (Amended) A method of ordering and purchasing a vehicle having specific vehicle configuration via the Internet, comprising:

receiving a custom order message incorporating vehicle configuration data, order data, and user data submitted by an online user;

storing the order data, user data and vehicle configuration data into a buyer database; processing the custom order;

entering the custom order and its associated data into an order bank to schedule the specified vehicle for manufacturing, wherein the custom order is cancellable until the specified vehicle is scheduled for manufacturing; and

generating an order confirmation message and sending the order confirmation message to the user.

27. The method, as set forth in claim 26, further comprising:

receiving input entered on a web page by the user to submit the custom order, including order data, user data, product configuration data;

generating the custom order message incorporating the product configuration data and sending the custom order message to a web server; and

routing the custom order message to a workflow manager.

28. The method, as set forth in claim 26, further comprising:

receiving a user-selection of a dealer;

sending the order data, user data, and vehicle configuration data to the selected dealer; and

routing the custom order message to a B2B server, which sends it to an order processor.

29. The method, as set forth in claim 26, further comprising generating a unique order number for the custom order message.

30. The method, as set forth in claim 26, further comprising:
receiving user data from the user, including name, address, and contact information;
and

storing the user data in a common membership database.

31. The method, as set forth in claim 26, further comprising:
receiving online payment data from the user for the custom order;
processing the online payment data of the vehicle; and
confirming the online payment processing completion.

32. The method, as set forth in claim 26, further comprising:
displaying a list of vehicles substantially matching vehicle configuration data entered
by the online user;

receiving a user-tagging of a particular vehicle from the list and a tag order message
incorporating tag order data and the vehicle configuration data;

storing the tag order data and vehicle configuration into a buyer database;
modifying inventory data in an inventory database associated with the tagged vehicle
to indicate unavailability; and

generating a tag order confirmation message and sending the tag order confirmation
message to the user.

33. The method, as set forth in claim 32, further comprising:
receiving input entered on a web page by the user to submit a tag order, including
product configuration data;
generating the tag order message incorporating the vehicle configuration data and
sending the tag order message to a web server; and
routing the tag order message to a workflow manager.

34. The method, as set forth in claim 32, further comprising:
sending the tag order data to a dealer selected by the user; and
routing the tag order message to a B2B server, which sends it to an order processor.

35. The method, as set forth in claim 32, further comprising generating a unique order number for the tag order.

36. The method, as set forth in claim 32, further comprising:
receiving customer data related to the user from the user; and
storing the customer data in a common membership database.

37. The method, as set forth in claim 32, further comprising:
receiving online payment data from the user;
processing the online payment data of the vehicle; and
confirming the online payment processing completion.

38. **(Amended)** The method, as set forth in claim 26, further comprising:
receiving a lead request message incorporating lead data and vehicle configuration data submitted by the user, the lead data identifying the online user as a potential customer;
storing the lead data and vehicle configuration into a buyer database;
generating a lead confirmation message and sending the lead confirmation message to the user.

39. The method, as set forth in claim 38, further comprising:
receiving input entered on a web page by the user to submit a lead request, including vehicle configuration data;
generating the lead request message incorporating the vehicle configuration data and sending the lead request message to a web server; and
routing the lead request message to a workflow manager.

40. The method, as set forth in claim 38, further comprising:
sending the lead request data to a dealer selected by the user; and
requesting lead status updates from the dealer.



41. The method, as set forth in claim 38, further comprising:
receiving a lead status update from the dealer; and
storing the lead status update in a buyer database.

42. The method, as set forth in claim 38, further comprising generating a unique lead number for the lead request.

43. The method, as set forth in claim 26, further comprising:
receiving a cancel custom order request from the user;
deleting a custom order associated with the cancel customer order request from an order bank; and
updating a buyer database to reflect the updated status of the user.

44. The method, as set forth in claim 26, further comprising:
receiving a cancel tag order request from the user;
modifying data associated with the cancelled tag order in an order bank;
modifying data of a vehicle associated with the canceled tag order in an enterprise vehicle availability database; and
updating a buyer database to reflect the updated status of the user.